

JK
736
.P6



LIBRARY OF CONGRESS.

FORCE COLLECTION.]

Chap. JK736

Shelf . P6

UNITED STATES OF AMERICA.







✓
PLAN

OF

REFORM

IN THE

CONSTITUTION AND GOVERNMENT

OF THE

UNITED STATES

AND THE

STATE OF NEW-YORK.

25.7
5/24 ✓
BY A DEMOCRATIC REPUBLICAN.

“ I object, too, against the immense Patronage of the President ;
because it places in his hands the means of corruption, and distri-
buting throughout the country a Band of Retainers in the shape of
Judges and Revenue Officers, and others, which renders him irresis-
tible in any scheme of Ambition that he might meditate against the
Liberties of the Country.”

PATRICK HENRY.

=====

New York: F

PRINTED BY JAMES ORMOND, 118 FULTON-STREET.

1840.

no.

JK 736

.P6

PLAN
OF
REFORM, &c.

IN the spring of the year 1837, the inhabitants of these United States, almost to a man, were involved in a series of disasters which seemed to threaten an universal pecuniary ruin. The country was bleeding at every pore, the foreign creditor was pressing payment of his demands, and the domestic capitalist was withholding his means from the market, preferring to keep his treasures inactive, without drawing interest, rather than to risk them in a crisis such as this was. A moral apoplexy seemed to overspread the land. Its healthful functions were at an end. Industry no longer claimed its reward—well directed enterprise no longer added to its possessor's store, and labor no longer commanded bread. The once rich were brought to beggary, and the poor to starvation:—and this too, in a country rich in its innate resources, and richer still in the intelligence, the energy, and the enterprise of its inhabitants.

A year passed by, and prosperity, to all appearance, had again revisited our land. The merchant was busy in the mart, the mechanic no longer folded his hands in idleness, and the laborer sought not in vain for bread to supply the wants of his family. Suffering, if not entirely banished, was at least so much alleviated, that it amounted to nothing. With the sanguine feelings so natural to my countrymen, they deemed that the crisis

was past, and joyfully proclaimed that all was well. But, alas, sad experience has proved that they had mistaken a temporary relief for a permanent cure of the illness under which the body politic was suffering.

The winter of 1839-40, finds us in a situation differing in but a very slight degree from the period alluded to above, but worse, perhaps, in some measure, from the mournful certainty which time has given us, of the delusiveness of that hope which we all so fondly cherished, that our embarrassments were but mere temporary ones, which the resources of the country and the industry of its people would not be long in overcoming.

Now then is the season for reflection. Let us examine into the causes which have made our pecuniary embarrassments so frequent. Let us coolly and dispassionately trace the stream which has so nearly overwhelmed us to its sources, and apply those remedies which common sense may suggest to prevent the overflows which occur with almost periodical regularity.

History admonishes us that empires have fallen crumbled into ruin from some slight defects in the organization of their governments, too trifling to excite attention at the time that they existed. In the moral world, it is said, that all vice grows from the seed of a single error, and in the political, we may remark, with equal truth, that a trivial error may lead to consequences which he who commits it would shudder to consider. That the true secret of the pecuniary embarrassments of our country is owing to some defect in the structure of our government, I think is too plain to admit of a doubt.

This defect, in the opinion of the writer, springs from the attempt of the framers of the constitution to adopt parts of two entirely different systems of government—the republican and monarchical. While the principal part of the offices of the Union and individual States, derived their power directly from the people, in accordance with republican principles, they themselves were, at the same time, invested with a power of *appointment to office*, of almost unlimited extent, in accordance with the usages of a monarchical government. Did these

superior officers hold their stations for life, or were they ineligible to a re-election, this power of appointment would be less dangerous than at present. They would then have no incentive to abuse it as they now do, in using it for private aggrandisement rather than the public good.

In a monarchical government the incumbents of the principal offices are dependent mostly upon the will of the sovereign for the duration of the tenure of their places, they have therefore but little occasion to appoint their underlings on merely political motives of expediency. On the contrary, their own continuation in office depends upon the business of their respective departments being conducted in such a manner as to give satisfaction to the sovereign. They are therefore careful in selecting their assistants, to choose such only as are best calculated to perform the duties which will devolve on them, without reference to their political creeds, let them be what they may.

In our own country it is entirely different. All power springs directly from the people. The chief magistrate of the Union, in common with the least significant officer selected at a town meeting, is dependant upon *votes* for his election to, and continuance in, office. He appoints his heads of departments with a view to their influence in the matter of his re-election. They again, know that their re-appointment depends upon the continuance of their party in power—that qualifications have nothing to do with it, but that it all depends upon politics, and they accordingly appoint their under officers from among those who have given evidence of their efficiency in influencing the results of elections. The country is thus saddled with an organized band, never contemplated to be established by the framers of the constitution, of political janissaries ready at any moment to do battle in their masters' cause. It is a state of affairs disgraceful to the very name of republicanism! In no other country that the sun shines upon, will you be able to find *the people's servants*, neglecting that which should be their duty, to play the electioneering demagogue in front of the ballot box,

In the remarks which follow, the writer would beg to disavow any party political bearings. Let what party soever be dominant, the evils of which he complains will prevail. Let the Democrat or the Whig be the ruler, the temptation to misuse the power conferred by the constitution and delegated by the people, is too great for poor human nature to withstand.

I trust that I am not wanting in respect for the constitution of my country, nor for that patriotic and time-honored band who framed and adopted its provisions; but I must ever consider that it has several radical defects, from which the onward course of time has withdrawn the mantle. Not the least among these, is the eligibility of the chief officer of the government to a re-election. Let the President of the United States be elected for any number of years which the wisdom of his constituents may think proper, but, when that term shall have expired, let him retire to the shades of private life, never to resume the reins of government.

Under the present system, and I appeal to the records of the country for the proof of my assertion, no sooner is the chief magistrate inaugurated, than he turns his attention to the best method to secure his re-election. Invested by the Constitution, directly or indirectly, with an almost unlimited power of appointment to office, it is scarcely a matter of surprise that he should use it as a lever to aid in his re-elevation, when his present term shall have expired.

The first question propounded, then, in the selection of an officer of the government is, not whether he is capable of discharging the duties which will devolve upon him, but whether he can aid the appointing power in the object nearest to his own heart—the maintenance of his own office—for the longest possible term. The man thus appointed to office is not, as he should be, the servant of the public, entrusted by them with certain powers, to be used for their benefit, but he becomes the slave of the man who appointed him, and of the party to which alone he is indebted for his elevation.

The fact is, that an individual selected to fill an office, is not chosen for possessing the requisite qualifications

for the discharge of the duties of his appointed station, but the office is conferred as a recompence for past, and an incentive to, future political services. Look at the appointments made by both of the great political parties that now exist in this country, and you will be at no loss to select numerous instances which will prove the truth of the assertions I have made.

The power of making the appointments to office has been, and always will be used, under the present system, with peculiar efficacy for the ends intended, in controlling the legislative power of the Union. How many laws have been passed, by the influence of members who were themselves influenced by a promised reward, it is not for me to say; but, in my own mind, there is but little doubt that the vision of an embassy or a department in perspective, has made more than one member of Congress vote on a question contrary to propriety, and to his own knowledge of right and wrong. What a temptation it is to the legislator to swerve from the strict line of his duty to his country, to have the seductive allurements of power held up before him, as the reward of his favoring the views of the executive! That there are many members of Congress, with firmness and with principles enough to rise superior to the dictates of ambition, I acknowledge, but in a body so large there will always be some who are naturally and morally unfit for the station, and it is upon the minds of these that the effect of executive interposition is to be dreaded.

I think that I have advanced an argument strong enough to bear me out in the assertion, that the power of appointment invested in the President, as now exercised, has overshadowed the representative part of the government, and assumed a position formidable to the liberties and consequently to the prosperity of the people. If the power invested in the executive has been abused by former presidents, we have no security that it will not be abused by every succeeding administration. If this delegation of power is liable to be abused, it should be resumed by the people—and the sooner it is resumed, the better it will be for their interests. The observation of

the celebrated Mr. Dunning, in the British parliament, I consider to be no less applicable to this country, than it was to that to which it was applied. As near as my memory serves me, it was "that the power and patronage of the crown had increased, was increasing, and ought to be diminished." The power and patronage of our "crown," as we may, without exaggeration, entitle the executive, has increased to a fearful extent—it is still increasing—and I call upon the people, as they value their liberties, to see that it is diminished.

There is but one way by which this power can be effectually diminished, and that is, by taking the patronage, in a measure, away from the executive. I am conscious that to do this the whole plan of our government must be re-modelled. But if that plan, by experience, has proved to be a failure, the sooner it is re-modelled, the sooner we shall be redeemed from the curses it has brought upon us.

Nor is the work of re-modelling the government a matter of so much difficulty as it would at first sight appear to be. It will, of course, require time—but can any time be too long—can any effort be too great—to relieve the country from the evils existing under the present system? The reform to be thorough, and it must be so to be of any avail, must commence in the States. The constitution of each one in the confederacy must be first amended, and when that shall have been accomplished, the crowning step will be the alteration of the Federal Constitution. The methods of doing this, as pointed out in the instrument itself is, that "Congress, whenever two-thirds of both Houses shall deem it necessary, shall prepare amendments to the Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid as part of the Constitution, when ratified by three-fourths of the several States, or by Conventions in three-fourths thereof, as one or the other mode may be selected by Congress." Several years will be requisite for the accomplishment of the plan which I shall hereafter propose for

the abridgment of executive power, but they will be years well spent, if they are employed in preserving those liberties which are now, I honestly believe, endangered by the workings of a system too near akin to that employed in a despotic government to be suited to the institutions of a Republican country.

The amendment of the Constitutions of the several States will be necessary, as the evils complained of are not confined to the general government alone, for they are diffused throughout the state governments. The method of appointments to office in these, are nearly the same as in the general government, and it leads to the same results, although on a smaller scale. The whole system is wrong and calls loudly for reform.

In this state, the most populous, the richest, and the most enterprising in the Union, I think I am justified in saying, not an appointment is made to any office, held by the nomination of the Governor, and the approval of the Senate, that is not first passed upon by an irresponsible body—namely, a self-constituted committee, composed of the leaders of the party in power. The nomination is made ostensibly by the Governor, but in fact, by a power behind the throne, greater than the throne itself. Without the endorsement of this body, no matter what may be the qualifications of an applicant for office, he cannot be appointed.

That the attention of some of our most intelligent politicians is becoming awakened to the evils consequent upon our present system of appointments and the tenure of office of our principal rulers, has become sufficiently manifest during the current year. The message of Governor Seward to the present legislature, touches upon the necessity of reform with no gentle hand, as may be seen by the following passages :

“ The laws by which Judges of the county courts are authorized to interfere with the boards of supervisors in the appointment of commissioners of deeds, county treasurers, and county superintendants of the poor, manifest an unjust and unwise distrust of the intelligence and virtue of the people, and a want of due regard to the sacredness of the judicial office. The democratic principles of the constitution

demand the repeal of those laws. I also respectfully recommend that provisions be made for the election of commissioners of deeds by the people."

"The power and influence of the Executive department of the Federal Government are greatly increased, and the history of that government, for the last few years, exhibits a constant struggle, on the part of the Executive, to control the opinions of the representatives of the people. His appeals from their decisions have been tried by popular elections for the first, second, and third time. In such trials the representative has to contend singly and unaided against the combined influence and patronage of the government. Not content with the already overshadowing powers of the national government, the President has arraigned before Congress the institutions of the states, and the states themselves, and has discussed their domestic concerns with as great freedom as if they were responsible to the Federal Government, and were not sovereign in the conduct of their municipal affairs."

"These innovations furnish a new demonstration of the error of those who, at the adoption of the constitution, supposed the Federal Government too unstable, and the power and influence of the Executive department too limited. The time seems to have arrived, when the adoption of measures to restrain the increasing power of the Executive, and maintain the necessary independence of the States, should no longer be delayed. Among such measures none could be more safe, more effectual, or more in harmony with democratic principles, than amendments of the Constitution of the United States, which should vest in Congress the appointment of the chief financial officers of government, and limit the term of the Presidential office to one term."

Again, on the 8th of January, that shrewd observer and experienced legislator, General Root, introduced a series of resolutions into the Senate, recommending alterations in the constitution of the United States, to the following effect:

1st. Making the term of office of the President and Vice President six years, they being ineligible for re-election. 2d. No member of Congress to be appointed to, or nominated for office by the President, during the term for which the member was chosen, nor within two years after the expiration of said term. 3d. No officer appointed by the

the President, with the advice and consent of the Senate, can be removed by him, but with the advice and consent of the Senate. 4th. The Chief of the Treasury Department and the Treasurer of the United States shall be appointed by, and hold their respective offices during the pleasure of, Congress. All the subordinate officers in the Treasury Department shall be appointed, either by Congress, or the Chief of the Department, as may be provided by law.

I have thus given high authority to prove my assertion of the necessity of reform, and the only fault that I find with the gentlemen whom I have quoted is, that they do not go far enough—the root of the evil is not touched. They are merely proposing to cleanse the vestibule, while they are allowing the interior of the edifice to remain in all its natural filth. It will be no more trouble to alter the constitution, so as to secure a full and effectual reform, than it will be to make a mere temporary one, which may for a season give relief, but which time will prove to be too superficial to render it permanent.

The proposition of Senator Root to erect the Senate of the United States into a judiciary tribunal for the purpose of deciding whether officers of the government dismissed by the President, were culpable or not, would create greater hostility between that body and the executive than has hitherto taken place, as well as give it too much power, and tend to render it an odious oligarchy.

Too much space has already been occupied in the consideration of this branch of the subject. I shall now proceed in the second place, to the plan which the writer suggests for the alleviation of the evils which have been treated upon.

That this plan may be crude in its conception, and faulty in its design, he is well aware, but it may furnish a hint to those more versed in the mazes of political economy than he is, on which to build a less objectionable theory. If any thing here advanced, shall contribute to the adoption of a reformed system of appointments, less destructive to the liberties of the country than the present one, the writer's object will have been obtained, and he richly rewarded for the labor he has undertaken.

Plan of Reform in the government of the United States.

THE DEPARTMENTS.

That the President, in conjunction with the Senate appoint the following officers, viz :

A Secretary of State for a Foreign Department and Chief Clerks, Ambassadors to Foreign Courts and Charges d'Affaires.

A Secretary of State for a Home Department and Chief Clerks. [To this office ought to be attached the superintendence and management of the Land Offices.]

The Secretary of the Navy and Chief Clerks.

The Secretary of War and Chief Clerks.

The Secretary of the Treasury and Chief Clerks.

The Postmaster General and Chief Clerks.

The Attorney General, &c.

GENERAL BOARD.

A Board of three Commissioners, to be chosen by the Senate and House of Representatives, in joint ballot, annually or biennially, whose duty it will be to nominate to the Senate, the Judges of the Supreme and Circuit Courts, Treasurer, Comptrollers, Auditors, Consuls, Marshals, District Attorneys, Registers and Receivers of Land Offices, &c., besides all officers heretofore appointed by the President, and not otherwise provided for.

Whenever a vacancy occurs on the bench of the Supreme Court, or among the Judges of the Circuit Courts, or in the offices of Treasurer or Comptroller, the Chief Commissioner of the General Board will notice the Chief Commissioners of the Customs' and Military Boards to assist in the selection of those officers.

This Board, in conjunction with the Chief Commissioner of the Customs' Board, and the Secretary of State for the Home Department, should also constitute a Board of Trade, Commerce, and Manufactures, to whom all communications on those subjects should be made, and whose duty it shall be to lay all such statements as are essential to the interests of the country before Congress.

These Commissioners shall not be subject to removal by the President, but shall be liable to be impeached or complained of by him, for mal-practices, to the Senate and House of Representatives, these bodies being the sole judges of their conduct.

CUSTOMS' BOARD.

That three Commissioners be chosen by the Senate and House of Representatives, in joint ballot, to present to the Senate, for approval, the names of the Collectors, Surveyors, Comptrollers or Naval Officers, Cashiers, Auditors, and Appraisers of the different ports of the Union, and, if the Senate approve, their Secretary will transmit the same to the President for his approbation or rejection. These Commissioners shall be confined, in the selection of these officers, to the County or Senatorial District in which the Custom House is located.

That these Commissioners constitute a Board for the approval or rejection of the names of the inferior officers of the Customs, to be presented by the Board of Nomination of each county in which the Custom House is situated.

That the Collectors of each port have the nomination of their deputies to the Board of Commissioners.

That these Commissioners, together with the Secretary and Comptroller of the Treasury, constitute a Board, (of which the Secretary shall be Chairman, but the Chief Commissioner only shall have the power of calling the Board together,) for the purpose of determining the true intent and meaning of all the acts of Congress, imposing duties on goods imported into the United States.

That these Commissioners shall not be subject to removal by the President, but shall be liable to be impeached or complained of by him, for mal-practices, to the Senate and House of Representatives, these bodies being the sole judges of their conduct.

That all purchases, contracts, and sales, over which the Treasury Department has any control, shall be made through them, subject to the approbation of the Secretary.

That the power of dismissal of the Collectors, and other officers, of which the approval of their appointment was confirmed by the President, is only vested in him.

That the dismissal of the inferior officers is solely vested in the Secretary of the Treasury.

MILITARY BOARD.

A Military Board shall be constituted, consisting of three Commissioners, one to be a military officer of high rank, to make all purchases, contracts, and sales, subject to the superintendence of the Secretary at War. This Board to be appointed by the Senate and House, and subject to the same regulations as the General Board and the Board of Customs.

NAVAL BOARD.

A Naval Board shall be formed, consisting of three Commissioners, one to be a Naval Officer of high rank, to make all purchases, contracts, and sales, subject to the superintendence of the Secretary of the Navy. This Board to be appointed by the Senate and House, and subject to the same regulations as the General Board and the Board of Customs.

POST OFFICE.

That all Postmasters throughout the Union be chosen by the City or County Boards of Nomination, and their names presented to the Postmaster-General for his approbation; and that they shall give bonds for the due performance of the duties entrusted to them.

That a Board be formed of the three Chief Commissioners of the General, Customs', and Military Boards, and that they have power to make all purchases, contracts, and sales, subject to the approbation of the Postmaster-General,

The addition of a Department at Washington has long been spoken of, and its necessity acknowledged. The increase of business in the Department of the Secretary of State, since the formation of the Constitution, must render it absolutely necessary.

The appointment to office in the Custom-Houses throughout the Union, have been immense sources of patronage to the United States government. By this arrangement, the Commissioners are restricted so as to prevent an improper use being made of the power invested in them, while the President and Secretary of the Treasury continue to retain, after the appointments are made, the absolute control of all the Custom-Houses in the Union.

The Nominations made by these Boards will be transmitted to the Senate to pass upon, and if approved by them will be sent to the President for his approbation. In case any nomination should not be passed by the Senate or approved by the President, the Boards shall nominate *de novo*, &c.

The immense sums which have been expended in the Florida war, and the large amount of public money which passes through the hands of the Secretary at War, show the necessity of establishing a Military Board to control the expenditure in that Department.

The late lavish expenditure on the Exploring expedition is sufficient proof that any thing but economy is the order of the day in the Navy Department, therefore a Board to make purchases, contracts, and sales, must necessarily restrain such profusion.

The late transactions in the Post Office Department relative to the extra allowance system, and other matters, evince the propriety of establishing a controlling power in that Department.

The expense of these Commissioners may be urged as an argument against them, but as they will serve as checks on the Departments, as well as Nominating Boards, it is presumed they will save to the country fifty times the amount of their salaries.

Plan of Reform in the State of N. York.

STATE.

A State Board for the Nomination of all State officers now appointed by the Governor, shall be constituted, and consist of the Speaker of the House of Assembly and eight members, to be chosen by the people, either by general or district ticket, throughout the State, at the Gubernatorial election, or annually. This Board shall also have power to make all State purchases, contracts and sales, subject to the superintendence of whatever department they are required for.

CITIES.

In the City of New-York, the Board of Nomination for Appointment to office, shall consist of the Mayor, who will preside ex-officio, the President of the Board of Aldermen, the President of the Board of Assistants, with six, eight, or ten citizens, to be elected annually by general ticket at the charter election; or each ward might elect a citizen, to the exclusion of the Mayor and Aldermen. The members so elected shall constitute the Board of Nomination for the City of New-York, except when the Board shall sit for the Nomination of Officers of the Custom-House of the City, when the Collector, Surveyor, and Comptroller or Naval Officer, will be added to the Board.

Similar Nominating Boards, to vary according to circumstances, could be elected in all the other incorporated cities and towns in the state.

COUNTIES.

In the Counties, the Board of Nomination shall consist of three Supervisors, to be chosen by their own Board, and four, six, or eight citizens to be elected annually; or each town in a county, might elect a member to constitute this Board, to the exclusion of the Supervisors.

TOWNS.

The Nominating Board in each town, might consist of the Supervisor, Town Clerk, a Commissioner of Schools, and four or six members to be elected annually; or the

entire Board could be chosen by the people to the exclusion of these officers. By this Board the Postmasters for each town ought to be selected.

The Nominations of these Boards will be transmitted to the Senate to pass upon, and if approved by them will be sent to the Governor for his approbation. In case any nomination should not be passed by the Senate, or approved by the Governor, the Board shall nominate *de novo*, &c.

These Boards should nominate all state officers within their jurisdiction, now nominated by the Governor.

The advantages of this system over the one now in use, are publicity and responsibility, and that the nominations of these Boards will be the act of a majority of the people, and not that of a party. Here the names of every candidate for office will be accessible, and the vote on his claim recorded.

Other states of the Union who thought proper to adopt this system of Reform, could easily do so, as the offices are almost all the same as in this state, although they may differ in name—the only rule to be observed, is to adhere strictly to the principle of depriving the executive of the nominating power, and placing it in the hands of its legitimate owners—the people.

The advantages of this plan, or one similar in its provisions, are manifold ; but I shall content myself with citing but a few, and those the most palpable, in support of its adoption.

In the first place, it takes the power of nomination from the executive, and restores it to those to whom it rightly belongs—the *people*. The candidate for office, being nominated by the people, will look upon them as his master, and feel bound so to perform the duties of his station as to give satisfaction to those from whom he derives his office. Under the present system he looks upon the superior officer, under whom he holds his tenure, as his employer, and obeys him, careless of every other consideration, so long as he gains the good will of his legal superior. His talents, whatever they may be, are diverted from their legitimate object, and he becomes in

fact, not the servant of the people, but one employed for the sole purpose of exerting his influence at elections, and on all other occasions, for the aggrandisement of his party, and of those to whom he is indebted for his bread.

In the second place, as the nominations will emanate from the people, they will tend to diminish the asperity of party and the jealousy of the executive towards the senate, and will prevent a similar collision to that which took place between Andrew Jackson, late president of the United States, and the United States Senate of that day; and it will also prevent a further repetition of what took place between Governor Seward and the Senate of this State on the subject of appointments during the last session of the legislature. This system, if properly carried out, will tend to give security to the property of the rich man, as well as an extension of privilege to the poor man, and an assurance to both, that the respective Boards of Nomination would not recommend any man to office who would be likely to become a defaulter, or not faithfully fulfil the duties of his office.

In the third place, it will accomplish exactly the thing which we most need—the abridgment of the power of the executive, whether he be the chief officer of a State or of the Union. As the matter stands now, the President of the United States, as I have already observed, possesses too much power, which he is at liberty to use for other purposes than those of benefiting the country. A sword has been put into his hand by the constitution which was meant for the defence of the liberties of the country, and not for the purpose of assaulting them. But time has proved that the latter has become the more frequent use of the weapon, and such being the case, the period cannot too soon arrive, when its use shall be intrusted to the hands of those who shall not have the same motives for its abuse.

In the fourth place, it will purify our Halls of Legislation. As the chief officer of the Union, or of a State, has no reward with which to compensate the devotion of a follower—no offices to bestow upon that member of the Legislature whom he can make subservient to his

purposes, the great font of corruption will be broken up, and the stream of legislation will flow in its natural channels. Laws will then be made with an eye to the benefit of the people, and not as they now too often are, to suit the purposes of the executive, or answer the ends of a party.

It may be objected to the plan suggested, that it divests the President of all power and reduces him to a mere cypher. Such is not the case. He is only deprived of such power as should never have been delegated to him, that of appointing the minor officers of the government, while he is still left, in a great measure, the appointment of all the heads of departments, ambassadors, and other superior officers; besides, the command of the Navy and Army, and the approval or rejection of the acts of Congress. And, much as his power may have been curtailed by the adoption of this plan, he has still as much left as it is safe to trust in the hands of any one man—as much as the queen of Great Britain, or the sovereign of any other limited monarchy, exercises by virtue of their birth-right.

The proposed plan does not in the least control the power of the President to regulate the government, and make it subservient to the best interests of the country, for there yet remains the power of dismissal, a power sufficient to enforce respect, by the President himself, or by the officers who now execute that power.

It is alleged by some, that there would be no necessity for altering the present mode of appointment, if the President was deprived of the power of dismissal from office without cause. To investigate whether such dismissal was just or uncalled for, a court should be established—but such a course is impossible—and even if there were such a court formed, it would lead to endless turmoil. The only true method is, to take from the President the power of nomination, and then the incentive to dismissal will cease with the loss of power to re-appoint.

The salutary effect of the proposed reform can be no less happy when applied to the lesser field of state regulation, than in its application to the federal government.

As it is now in this state, the hand of party is visible in every appointment made at the capitol. You may search in vain upon the benches of our courts for a judge whose politics are not identified with those of the party in power at the time he was appointed. I mention this class of persons holding office, because it ought, more than any other, to be kept free from the influence of party politics. As before stated, the nominations for these officers are made by a secret body, unseen, unknown, and irresponsible, and the first notice that those most concerned have, that any particular person is a candidate for an office, is the official notice of his appointment bruited to the world in the columns of the Albany Argus or Evening Journal, according to the party which is in the ascendancy at the time it is made.

By the adoption of this plan, nominations, instead of being made by a body worthy only of an age in which the secret associations of Europe were at their height, will be made by a body constituted expressly for the purpose, and of which the people will have elected the members, whose proceedings will be liable to inspection, and whose selections were made in open day, and in sight of the people.

As it is now, no matter what may be the politics of a county, or town, its own immediate officers, such as surrogates, county judges, &c., must be selected from the dominant party in the state, and not from the dominant party in the county or town. Now, if politics are to be admitted at all in these matters, it is hardly fair that the minority should rule the majority, as is now the case, where the political ascendancy in a county is adverse to the political ascendancy in the state. The proposed plan will obviate this objectionable feature, as the board of nomination will be elected by the people, and if politics are allowed to influence the selection, they will be the politics of a majority of those interested, and of course will be in accordance with the maxim, that the majority ought to govern.

The means of permanent relief to the country, from the evils dependent upon a system of appointment to

office, based upon the principle of its being a gratuity for past, and an incentive to future political services, must be furnished by the great Democratic party of the Union. To it alone can the country look for deliverance. The party opposed to it, is the one now in power in this state, and it would be too much to expect from its self-denial, that it would surrender "the spoils of victory," which they have so many years been battling for, at the very moment that they have secured them, and when so many thousands of hungry expectants are putting forth their claims to be considered in the apportionment. No, they fought for power—they have obtained it, temporarily at least, and though the people may wrest it from them they will never voluntarily abandon it.

But the Democratic party stands in a different position. It is emphatically the PEOPLE'S PARTY, and as this measure extends both the power and privileges of the people, it cannot fail to obtain their support. This party is composed of the bone and sinew of the land. The mechanic, the working man, he who draws nothing from the country but that to which his labor is entitled, is enrolled among its members. That to it belong the great majority of the voters of the country there can be but little doubt. True it is, that the opposing party have temporarily triumphed in this and some other states, but in the opinion of the writer, the Democrat need look no farther for a solution of this enigma, than the fact, that the party had, in a measure, been corrupted by the influence of its prosperity, and had been careless of the rights of the people. It had legislated too much for the benefits of the few and neglected too much the interests of the many. Was it then wonderful that the many should desert it at the time it was most sorely pressed?

But now is the time to retrieve the error. The Whig party, aided by the deranged state of the times, temporarily triumphed, but the elections of the past year have abundantly proved that the people are not yet prepared to "bow the knee to *Baal*." Their affections though for a time estranged, will return to their first love—the

Democratic party—if that party but show that it is their intention to preserve their purity and maintain the assumption that they are the friends of the people—that they are THE PEOPLE. Let them profit by past experience, and look only to the well being of the people, and victory must perch upon their banners. And what could more effectually impress upon the great body of the electors that the Democratic party looked only to their welfare, than for it to bring forward, and *advocate as its own*, the proposed system of reform? As the grand object of this scheme is to wrest power from the rulers and bestow it upon the people, how can it fail being popular with the people? I may be too sanguine in my anticipations, but I do think that no proposed measure, since that of the extension of the elective franchise, was ever more popular with the great majority of our electors than this will be, if it is only brought in a proper manner before them, and its provisions properly interpreted to the people. Give it then a fair trial, and let it stand or fall upon its merits. If the people reject it, I at least, am willing to bow to their decision.









LIBRARY OF CONGRESS



0 012 218 404 3

